

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Wednesday, July 31, 2002 – 9:00 a.m. – Room 305 State Capitol

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. David Ure, House Chair
Sen. Ed Mayne
President Al Mansell
Sen. Michael G. Waddoups
Rep. Judy A. Buffmire
Rep. James R. Gowans
Rep. Merlynn T. Newbold
Speaker Martin R. Stephens

Members Absent:

Sen. Mike Dmitrich

Staff Present:

Mr. Arthur L. Hunsaker, Research Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Wendy L. Bangerter, Legislative Secretary

Note: A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us/imaging/history.asp> or by contacting the committee secretary, Cassandra Bauman, at 538-1032.

1. Committee Business

Chair Ure called the meeting to order at 9:27 a.m.

MOTION: President Mansell moved to approve the minutes of the June 25, 2002 meeting. The motion passed unanimously.

2. R156-75 Genetic Counselors Licensing Act Rules

Sen. Paula Julander introduced the issue. She stated that she is concerned with the rules which the DOPL (Division of Occupational and Professional Licensing) has written to implement S.B. 59, Licensing of Genetic Counselors, 2001 General Session. She stated that the legislation's intent was to include mandatory continuing education and that exemptions are not provided. Ms. Christine E. Miller, genetic counselor, also testified regarding the rule.

Ms. Laura Poe, Assistant Director, DOPL, stated that there are times when continuing education requirements should be waived. She distributed a memo that included a list of agencies that have mandatory continuing education compared to those without mandatory continuing. She indicated that approximately 61 percent of agencies with mandatory continuing education have exception language provided in rule; and that only one agency has exception language in statute. She explained that the language in the rule does not eliminate mandatory continuing education.

Committee discussion followed.

Rep. Buffmire stated that a committee of peer professionals in the given subject area should approve any exemptions. She indicated that the rule clarifies the issue and is appropriate to keep in rule.

Sen. Julander said that, after discussion, she feels that the rule is in compliance with the statute and that continuing education is not being eliminated.

Rep. Newbold indicated that discussion should continue regarding the interpretation of the law and whether permitting exemptions in rule should continue.

Rep. Buffmire declared a conflict of interest as she was a previous director of DOPL.

3. Annual Report from the Division of Corporations and Commercial Code

Ms. Kathy Berg, Director, Division of Corporations and Commercial Code, indicated that statute (UCA 70A-9a-527) requires the division to report to the Administrative Rules Review Committee on whether the division is in harmony with the rules of filing offices and other jurisdictions and whether the division is in harmony with the most recent version of model rules from the International Division of Corporate Administrators. She requested that the reporting requirement be repealed.

Ms. Berg provided the Committee with the report, indicating that the division is in compliance with statute and is working daily with other jurisdictions. She explained changes the division made to be in compliance in each area.

MOTION: Speaker Stephens moved that legislation be drafted to repeal the section of the code that requires the Division of Corporations and Commercial Code to report to the Administrative Rules Review Committee. The motion passed unanimously.

4. Staff Report - Legislation Passed in the 2002 General Session Altering Agency Rulemaking Authority

Mr. Hunsaker referred to the handout, "State Agency Rulemaking Authority Altered by Legislation." He encouraged members to contact him with questions when reviewing the handout related to their area of responsibility. He expressed appreciation to Mr. Ken Hansen, Director, Division of Administrative Rules, for his assistance with the compilation. Chair Ure asked that committee members be prepared to report on their areas of assignment in a future meeting.

5. Other Items / Adjourn

Future meetings of the Administrative Rules Review Committee are tentatively scheduled for Tuesday, August 27; Monday, September 9; and Tuesday, September 24, 2002 at 9:00 a.m.

MOTION: Sen. Waddoups moved to adjourn the meeting. The motion passed unanimously. Chair Ure adjourned the meeting at 10:15 a.m.